



# MONTHLY HIGHLIGHTS

NOAA  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
HABITAT CONSERVATION DIVISION

**January 2001**

**GLOUCESTER, MA OFFICE, ONE BLACKBURN DRIVE, GLOUCESTER, MA 01930**

## **THE EFFECTS OF FISHING ACTIVITIES ON ESSENTIAL FISH HABITAT**

NMFS is proposing to develop Fishery Management Plan (FMP) Amendments for the Northeast Multispecies complex (groundfish) and Atlantic Sea Scallop (scallop) under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The FMPs will evaluate Essential Fish Habitat (EFH) designations as well as impacts to EFH from fishing and non-fishing activities. NMFS will prepare Environmental Impact Statements (EISs) for the proposed groundfish and scallop FMPs that will analyze the impacts of EFH management alternatives on both the physical and human environment.

There are 15 groundfish species that comprise the Northeast Multispecies complex and one species under the Atlantic Sea Scallop FMP. Under the MSA, an FMP that is prepared by NMFS or a Fishery Management Council must describe and identify EFH, minimize to the extent practicable adverse effects on EFH caused by fishing, and identify other actions to encourage the conservation and enhancement of EFH. These EFH components were presented in Amendment 11 to the groundfish FMP and Amendment 9 to the scallop FMP. Those FMP amendments, also known as the EFH Omnibus Amendment, were approved by the Secretary of Commerce on March 3, 1999.

In response to a U.S. District Court order, NMFS must re-evaluate the EFH components originally developed as part of the Omnibus Amendment and analyze a range of alternatives to minimize adverse effects on EFH from fishing. These analyses will be presented individually or incorporated into EISs currently being developed by NMFS and the New England Fishery Management Council (Council). EISs will be prepared according to the requirements specified by the National Environmental Policy Act (NEPA).

NMFS is considering the need to revise EFH designations for groundfish and scallops based upon any available new scientific information, and is considering potential designations of Habitat Areas of Particular Concern. NMFS will consider a range of alternatives to minimize adverse effects of fishing activities on EFH. NMFS is seeking public input both to identify EFH management issues and develop alternatives to minimize, to the extent practicable, adverse effects of fishing on EFH. Your comments early in the development process will help us address issues of concern in a thorough and appropriate manner. You may submit written comments by March 3, 2001 to:

Louis A. Chiarella, Essential Fish Habitat Coordinator  
National Marine Fisheries Service  
1 Blackburn Drive  
Gloucester, MA 01930  
Phone: 978-281-9277 FAX: 978-281-9301

Additionally, there will be a public scoping meeting on Thursday, February 22, 2001, from 3-5pm at the NMFS Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA, Conference Room. (**Lou Chiarella, 978/ 281-9277; Lou.Chiarella@noaa.gov**)

### **NATURAL GAS PIPELINE PROPOSED**

The extension of an existing natural gas pipeline from New Hampshire to Weymouth, MA has been proposed by the Maritimes and Northeast Pipeline (Maritimes) and the Algonquin Gas Transmission Company (Algonquin). The proposed project, currently under the FERC review process, would include approximately 25 miles of onshore pipeline and 35 miles of offshore pipeline. The primary concerns of this project include siltation, habitat alteration, and impacts on protected resources (such as humpback whales, Northern right whales, Kemp's ridley and loggerhead sea turtles) caused by trenching the ocean floor to bury the pipeline. A trench 3-10 feet deep and up to 160 feet long will be created by plowing, jetting, dredging, and blasting the ocean floor. Siltation can alter the habitat within and surrounding the impact area covering cobble, gravel, or otherwise hard bottom substrate. Species such as Atlantic cod, haddock, and Atlantic herring require hard bottom substrate during one or more life-stages for survival, and would likely be negatively impacted by this project. Siltation may threaten food sources of finfish and shellfish that feed on epibenthic invertebrates by direct (covering) and indirect (clogging respiratory structures) smothering. Demersal finfish such as winter flounder require clean water for egg and juvenile survival; increased sedimentation will negatively impact survival of winter flounder eggs. The project is still in the review process. Alternative routes have been proposed. Each alternate results in more ocean floor trenching. Further analysis of impacts has been requested, particularly related to impacts on benthic habitat from dredge spoils and suspended sediments, the impacts of blasting on finfish and marine mammals, and mitigation measures to reduce overall impacts. (**Sean McDermott, 978/ 281-9113**)

### **LITTLE HARBOR FEDERAL NAVIGATION PROJECT**

The National Marine Fisheries Service continues to negotiate on the details of the dredging and associated compensatory mitigation involving the federal navigation project at Little Harbor, Rye, New Hampshire. Little Harbor was provided two breakwaters and first dredged by the Army Corps of Engineers (ACOE) in 1903 as a harbor of refuge for sailing vessels. No federal dredging of the anchorage had been performed since that time. The anchorage is now predominantly used for recreational vessels associated with the adjacent Wentworth- By-The-Sea marina and resort complex. The primary concern associated with this project focused on minimizing impacts on submerged aquatic vegetation (SAV) and providing compensatory mitigation for any unavoidable impacts. The original proposal which was formally presented to NMFS in 1994 would have resulted in the direct loss of approximately 25 acres of eelgrass (*Zostera marina*) with NO compensatory mitigation. If completed as originally proposed, this project would have resulted in the largest single net loss of SAV in the northeast United States since the passage of the Clean Water Act in 1978. As a result of numerous inter-agency meetings and written comments, the project was significantly reduced in scope, but still would result in the loss of 7.3 acres of unmitigated eelgrass impacts. Additional negotiations over the past year resulted in funds becoming available to mitigate for 5.5 acres of eelgrass impacts in anchorage. Though NMFS objected, the project did not include compensatory mitigation for the 1.8 acres growing in the navigation channel. The Final EA was

amended to reflect NMFS' objections to the acreage of mitigation as well as the monitoring and performance standards associated with the mitigation.

The dredging project is underway this winter. Inter-agency coordination continues in an attempt to enhance both the performance standards and the monitoring requirements with this project. NMFS and EPA are also working with the Army Corps and the NH Coastal Program in developing an improved harbor management plan which would include and/or require utilization of low-impact mooring tackle. (Eric W. Hutchins, 978/ 281-9313)

#### **ATLANTIC SALMON MEETING**

Habitat Conservation Division (HCD) staff attended a coordination meeting of the NMFS staff who are working on activities related to the listing of an Atlantic salmon distinct population segment (DPS) under the Endangered Species Act. The meeting included a review of the status of the species, a summary of the field and laboratory research underway in Maine, an update on recovery plan development, and discussions aimed at coordinating intra- and inter-agency consultations. ([Daniel.Morris@noaa.gov](mailto:Daniel.Morris@noaa.gov) , 978/ 281-9237)

#### **FISHING CAPACITY REDUCTION PROGRAM**

HCD staff is coordinating the dispersal of \$10-million in exchange for voluntary surrender of limited-access multispecies permits. A Federal Register (FR) Notice was prepared to announce the program, to describe a template for its implementation, and to solicit public input through meetings and comments. At present the FR Notice is under review at headquarters to resolve issues of national consistency and precedent. It is still unclear whether the FR Notice on this Fishing Capacity Reduction Program will be subjected to the hold on new programs that was implemented by the Bush administration. As our document enters the final stages of clearance we'll get word on whether it can move forward for publication or if it must be held. ([Daniel.Morris@noaa.gov](mailto:Daniel.Morris@noaa.gov), 978/ 281-9237)

#### **JAMES J. HOWARD MARINE SCIENCES LABORATORY, HIGHLANDS, NJ 07732**

#### **HACKENSACK MEADOWLANDS**

##### **MEADOWLANDS INTERAGENCY MITIGATION ADVISORY COMMITTEE**

The MIMAC lost another founding agency representative this month. Ken Scarlatelli, the MIMAC representative for the Hackensack Meadowlands Development Commission (HMDC) has left the HMDC. This month's meeting was his last. His expertise about wetlands and the Meadowlands will be sorely missed. Other topics discussed at the meeting include the mitigation for the New Jersey Turnpike Authority Secaucus Interchange project, the Marsh Resources (MRI) Mitigation Bank and possible contaminant criteria for mitigation sites. (Karen Greene, 732/ 872-3023)

#### **BASF NEWARK BAY PROJECT**

HCD staff met with representatives of BASF to discuss the company's proposal to fill up to 150 acres of Newark Bay with sediments from harbor dredging projects to create what the company representatives are calling a wildlife refuge. HCD staff expressed severe concerns about this project to the proponents and representatives of the NJ Maritime Resources Administration, EPA and New Jersey Department of Environmental Protection at a meeting held in the summer of 2000. Our concerns remain. BASF is

proposing to create a mix of upland and wetland habitats from the existing shallow water habitat using dredged material. This material is likely to be contaminated, but it will be capped with “clean” material. Despite that this project is purported to be a beneficial use of dredged material, it will actually result in the loss of intertidal and subtidal shallows in Newark Bay at the confluence of the Passaic and Hackensack Rivers. BASF asserts that the area is contaminated, and presents a risk to fish and wildlife. However, the area is likely to contain contaminant levels typical of Newark Bay, and capping the area may have little benefits to the overall quality of the bay, particularly if the contaminant sources are not abated. HCD staff has recommended that BASF not pursue the project further, but it seems that BASF will continue to proceed. **(Karen Greene, 732/ 872-3023)**

#### **US ARMY CORPS OF ENGINEERS ARTHUR KILL HOWLAND HOOK DEEPENING**

HCD staff reviewed the Draft Environmental Assessment (DEA) for the Wetland Resources and Restoration, and Findings of No Significant Impact for the Arthur Kill Channel - Howland Hook Marine Terminal 40'/41' Deepening. There are several outstanding concerns related to the impacts to the wetlands at Old Place Creek, mitigation ratios, the final design of the mitigation at the Rahway River site, blasting impacts and impacts to essential fish habitat (EFH) from the deepening project that remain unresolved. Conservation recommendations were provided to the ACOE in response to the partial EFH assessment included in the DEA. Additional coordination with the ACOE is anticipated to resolve our remaining concerns. **(Karen Greene, 732/ 872-3023 or Diane Rusanowsky, 203/ 579-7004)**

#### **NY/NJ BAYKEEPER OYSTER RESTORATION PROJECT**

The Baykeeper has proposed to conduct an oyster reef project in Raritan Bay, and oyster gardening in the Navesink River as part of an effort to restore oysters to the area. Some of the project funding will be coming from a grant from NOAA. HCD staff expressed some concern about the project, particularly the oyster gardening portion. We had concerns about exposing oysters and possibly the public to contaminants associated with CCA treated lumber used to build docks. In response to these concerns, the Baykeeper invited HCD staff, scientists from the Northeast Fisheries Science Center and the New Jersey Department of Environmental Protection's Bureau of Shellfisheries to their Advisory Committee Meeting. Other attendees included scientists from the Virginia Institute of Marine Science and Rutgers University, as well as commercial clammers from the area. The meeting was very successful. The scientists and the clammers were able to provide input into the project to increase its chances of success and to resolve our concerns. The Baykeeper will continue to coordinate with the group to develop an appropriate monitoring plan for the reef, and select a final site for it. Contaminant monitoring will also be done by Rutgers on the oysters used in the oyster gardening. **(Karen Greene, 732/ 872-3023)**

#### **SOUTH JERSEY PORT CORPORATION**

The South Jersey Port Corporation has applied for an Army Corps permit to upgrade and repair an existing ship berthing facility and associated pier structures on the Delaware River. The NMFS has recommended that the permit application be held in abeyance until the mitigation obligations of a past project are fulfilled. In 1990, a permit was issued to the South Jersey Port Corporation to dredge at their facility. Approximately 0.25 acres of shallow water habitat had been converted to deep water by the project, but it was difficult to acquire an upland site to create shallow water habitat as mitigation. After lengthy discussions and reluctance on the part of the resource agencies, it was agreed that instead of creation of the shallow water habitat as compensatory mitigation, an artificial reef would be constructed from old tires to provide increased habitat. A condition of the permit required that a thorough monitoring study be performed and a report documenting reef use be submitted to the NMFS. Since the time of the permit issuance over ten years ago, requests to change the scope of the study were denied because it

would fail to indicate reef use. The applicant now has agreed to provide 0.5 acres of shallow water habitat on the Delaware River to fulfill the past obligation. The applicant will provide a site location and plan before the construction for the new project can begin. (**Anita Riportella, 732/ 872-3116; anita.riportella@noaa.gov**)

#### **AUDUBON INTERNATIONAL**

The Environmental planning department of Audubon International has developed it's Signature Program, a natural resource management plan for golf courses. Included in the program are requirements for water quality management, integrated pest management and wildlife conservation and habitat enhancement. Because of the potential to impact Delaware River water quality, NMFS staff has recommended that the plan be used as guidance in the development of a golf course at Riverwinds at West Deptford which would be part of a community center located on the Delaware River. (**Anita Riportella, 732/ 872-3116; anita.riportella@noaa.gov**)

#### **MID ATLANTIC FEDERAL PARTNERS ON THE ENVIRONMENT (MAFPE)**

Stan Gorski attended the MAFPE held in Baltimore, MD on January 25, 2001 and sponsored by the North Atlantic Division, U.S. Army Corps of Engineers. Topics discussed include the establishment of a MAFPE web page, approval of the business procedures and updates on the Hudson/Raritan Restoration program, and the New York/New Jersey Harbor Improvement Program. (**Stan Gorski, 732/ 872-3037**)

#### **DELAWARE BASIN FISHERIES**

Stan Gorski attended and chaired the quarterly meeting of the Delaware Basin Fisheries Technical Committee held at the Delaware River Basin Commission in West Trenton, New Jersey on January 17, 2001. A considerable amount of discussion centered around the upcoming hydroacoustic shad population estimate to be undertaken by Barnes and Williams. Andy Kahnle (NYF&W) and Roman Jessian (UMD) offered a proposal to confirm the estimate with a radio tagging study. The Technical Committee discussed different funding mechanisms for the radio tagging and Andy and Roman will pursue those options. However, it is unlikely that the radio tagging will be undertaken this spring, and that next spring seems more likely.

Bruce Freeman (NJF&W) said that New Jersey issued a draft permit to Public Service Electric and Gas Company to continue operation of the Salem NGS with once-through cooling. The Cooperative agencies were invited to provide comments to the state on the draft permit by February 28. (**Stan Gorski, 732/ 872-3037**)

#### **MILFORD, CT OFFICE, 212 ROGERS AVENUE, MILFORD, CT 06460**

#### **ENERGY SHORTAGES PREDICTED FOR NEW YORK METRO AREA**

In the wake of electrical utility shortfalls in California, the media has placed increasing attention on the New York City Metropolitan Area as a potential energy shortage zone in the coming years. Some project proponents have suggested that energy shortages could occur as early as this summer in certain load pockets. It is our understanding that at least eleven proposals will be coming forward in the near future for public review and comment for projects in the immediate vicinity of New York City. Some of these projects would entail outfitting a large barge or similar structure with the equivalent of one or more gas-

fired combustion turbines (essentially jet engines) in areas close to existing transmission facilities. Other proposals apparently are proposed for upland locations. The Milford Field Office will be coordinating with the involved federal agencies pursuant to our mutual mandates under the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act and other pertinent authorities. We expect that a number of proposals will surface in the coming months. Other electrical generating facilities on or near the Hudson River or its tributaries are under review by the New York State Public Service Commission. The Milford Field Office will participate in these reviews to the extent that FTEs permit. ([Diane.Rusanowsky@noaa.gov](mailto:Diane.Rusanowsky@noaa.gov) , 203/ 579-7004)

#### **NATIONAL RESOURCES DEFENSE COUNCIL REQUESTS INFORMATION**

Staff from the Milford and Sandy Hook Field Offices received a Freedom of Information Act Request for information regarding wetlands permits conveyed by the Corps of Engineers for projects in New York and New Jersey between 1995-1997. The petition is a broad request for records from 137 cities, towns and boroughs in New Jersey as well as New York City, and selected areas in New York's Nassau, Suffolk and Westchester Counties. Much of the requested information is archived and will require assistance from IRM staff to retrieve. ([Diane.Rusanowsky@noaa.gov](mailto:Diane.Rusanowsky@noaa.gov), 203/ 579-7004 or [Karen.Greene@noaa.gov](mailto:Karen.Greene@noaa.gov) , 732/ 872-3039)

#### **US GYPSUM DREDGING PROJECT UPDATE**

Legal counsel representing the US Gypsum Company recently requested information pursuant to the Freedom of Information Act concerning US Gypsum's application to the Corps of Engineers for authorization to perform maintenance dredging at their industrial marina. Their facilities are in Haverstraw Bay at the Town of Stony Point, Rockland County, New York. During the public comment period for this project, HCD staff completed the necessary coordination pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act, the Fish and Wildlife Coordination Act, and other pertinent authorities. As had been true in previous iterations of this project, our comments and those from other resource agencies resulted in establishing a fall working window to protect federally endangered shortnose sturgeon and other species of concern. This condition customarily is made as a special condition to the US Gypsum permit. Unfortunately for the applicant, we understand that the project hit a snag with an involved federal regulatory agency before a final permit decision could be reached, resulting in a delay that would preclude dredging until next fall.

([Diane.Rusanowsky@noaa.gov](mailto:Diane.Rusanowsky@noaa.gov) , 203/ 579-7004)